

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 173**

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**Introduced by Assembly Member Gatto**  
***(Principal coauthor: Assembly Member Achadjian)***

January 20, 2011

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An act to amend Section 354.4 of the Code of Civil Procedure, relating to Armenian Genocide, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 173, as amended, Gatto. ~~Armenian-genocide~~ *Genocide* victims. Existing law authorizes any Armenian Genocide victim, as defined, or the heir or beneficiary of that victim, who resides in this state and has a claim arising out of an insurance policy or policies purchased or in effect in Europe or Asia between 1875 and 1923 from a defined insurer, to bring a legal action to recover on that claim in a court in this state. Existing law also provides that any action, including any pending action brought by an Armenian Genocide victim, or the heir or beneficiary of that victim, whether a resident or nonresident of this state, seeking benefits under the insurance policies issued or in effect between 1875 and 1923, shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is filed on or before December 31, 2010.

This bill would extend the deadline for filing that action to December 31, ~~2020~~ 2016.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 354.4 of the Code of Civil Procedure is  
2 amended to read:

3 354.4. (a) The following definitions govern the construction  
4 of this section:

5 (1) "Armenian Genocide victim" means any person of Armenian  
6 or other ancestry living in the Ottoman Empire during the period  
7 of 1915 to 1923, inclusive, who died, was deported, or escaped to  
8 avoid persecution during that period.

9 (2) "Insurer" means an insurance provider doing business in the  
10 state, or whose contacts in the state satisfy the constitutional  
11 requirements for jurisdiction, that sold life, property, liability,  
12 health, annuities, dowry, educational, casualty, or any other  
13 insurance covering persons or property to persons in Europe or  
14 Asia at any time between 1875 and 1923.

15 (b) Notwithstanding any other provision of law, any Armenian  
16 Genocide victim, or heir or beneficiary of an Armenian Genocide  
17 victim, who resides in this state and has a claim arising out of an  
18 insurance policy or policies purchased or in effect in Europe or  
19 Asia between 1875 and 1923 from an insurer described in  
20 paragraph (2) of subdivision (a), may bring a legal action or may  
21 continue a pending legal action to recover on that claim in any  
22 court of competent jurisdiction in this state, which court shall be  
23 deemed the proper forum for that action until its completion or  
24 resolution.

25 (c) Any action, including any pending action brought by an  
26 Armenian Genocide victim or the heir or beneficiary of an  
27 Armenian Genocide victim, whether a resident or nonresident of  
28 this state, seeking benefits under the insurance policies issued or  
29 in effect between 1875 and 1923 shall not be dismissed for failure  
30 to comply with the applicable statute of limitation, provided the  
31 action is filed on or before December 31, ~~2020~~ 2016.

32 (d) The provisions of this section are severable. If any provision  
33 of this section or its application is held invalid, that invalidity shall  
34 not affect other provisions or applications that can be given effect  
35 without the invalid provision or application.

*In order that the insurance policy claims of Armenian Genocide victims will not be dismissed for failure to comply with the statute of limitations, it is necessary that this bill take effect immediately.*

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